



4910-06-P

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

### **Docket Number FRA-2018-0070**

### **Petition for Waiver of Compliance**

Under part 211 of Title 49 Code of Federal Regulations (CFR), this provides the public notice that by letter dated August 21, 2018, the Union Pacific Railroad Company (UP) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 236. FRA assigned the petition Docket Number FRA-2018-0070.

UP seeks a waiver of compliance from 49 CFR 236.1006, *Equipping locomotives operating in PTC territory*. Specifically, UP requests relief to operate UP Heritage Steam Locomotives UP 844, 4-8-4 Type – 1944; UP 4014, 4-8-8-4 Type – 1941; and UP 3985, 4-6-6-4 Type – 1943 for excursion trips in positive train control (PTC) territory. UP states these units are specifically designated and utilized on an extremely limited number of excursion trips annually. Excursions utilizing this equipment historically and continually involve the highest level of preparation in planning and operational safety during operation, giving special designation to each move. No less than two operators are present at any given time ensuring continual functional safety awareness during operational moves. UP explains they have been operating steam powered excursions

without PTC-initiated application and have found no adverse mechanical effect on operational safety.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue, SE, W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, W12-140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue, SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by **[INSERT DATE 45 DAYS FROM**

**PUBLICATION OF THIS NOTICE]** will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dottransportation.gov/privacy](http://www.dottransportation.gov/privacy). See also <http://www.regulations.gov#!privacyNotice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

**Robert C. Lauby,**

Associate Administrator for Safety,

Chief Safety Officer.

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